



EX PARTE OR LATE FILED

ORIGINAL

Wiley Rein & Fielding LLP

RECEIVED

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

April 10, 2003

APR 10 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Robert L. Pettit
202.719.7019
rpettit@wrf.com

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket No. 94-102, IB Docket No. 99-67

Dear Ms. Dortch:

On April 9, 2003, Gary Wallace of ATX Technologies, Inc., Joe Hanna, of Directions, James Bruce of Wiley, Rein & Fielding, and I met with Catherine Seidel, Deputy Chief of the Wireless Telecommunications Bureau, as well as Jared Carlson, Jennifer Tomchin, David Siehl, and Greg Guice of the Bureau's staff to discuss the above-referenced proceeding.

The purpose of this meeting was to discuss ATX's position in this proceeding as reflected in previously filed comments and the attached position paper, copies of which were left with the FCC participants.

An original and one copy of this letter are being provided for inclusion in the docket. If you have any questions or need any additional information, please let me know.

Sincerely,

Robert L. Pettit

Attachments

cc: Catherine Seidel
Jared Carlson
Jennifer Tomchin
David Siehl
Greg Guice

No. of Copies rec'd 041
List A B C D E

ATX Meeting with Catherine Seidel, Deputy Bureau Chief
FCC Wireless Telecommunications Bureau April 9, 2003

Participants:

- Bob Petit: Wiley, Rein & Fielding
 - Gary Wallace –Vice President, External Affairs, ATX Technologies
 - Joe Hanna –**President of Directions, a private consulting in the public safety wireless arena**; former President, APCO; former public safety official with Richardson County Texas.
 - Jim Bruce, Wiley, Rein & Fielding
-
- Who is ATX and what is Telematics?
 - Privately-held corporation based in Irving, **Texas**, and Dusseldorf, Germany, selling location based and other telematics services to Mercedes Benz, BMW, and Jaguar.
 - Telematics is wireless telecom network to transmit voice and data between a telematics response center (“call center”) and telematics equipped vehicles.
 - Services ATX provides

 - With ATX –consumers do not expect two-way voice service interconnected to PSTN or to 9-1-1, because we don’t provide it. ATX is a call-center based service.

 - Challenge to telematics service providers’ (TSPs) business model– convince automakers to deploy telematics more broadly and not to omit emergency-based telematics services. The automakers are the real customers!

 - Unanimous Agreement That Telematics Is Enhancing Public Safety Now
 - Filtering out false emergency calls, thereby reducing the expanding burden on PSAPs;
 - Providing **location** information at levels of accuracy exceeding Phase II standards;
 - Providing vehicle specific information that aids in vehicle location;
 - Providing personal information (e.g., medical information or emergency contacts) that aid emergency responders;
 - Providing Automatic Crash Notification to PSAPs
 - In contrast to situation with E9-1-1, TSPs are voluntarily providing today the only ubiquitous, coast-to-coast wireless access to location-based emergency assistance.
 - No cost to PSAPs
 - Regardless of whether PSAP is Phase II compliant

 - Telematics Already Working on Integration Issues with Public Safety Community in a Voluntary, Cooperative Process

- o Collaborative effort already launched with APCO –training, call center certification; NENA on interconnection protocols, solutions; ComCARE on ACN data sets; NHTSA, NAEMSD, ACEP on emergency medical response: DOT's Public Safety Advisory Group.
 - o Seek to integrate with a more modern infrastructure; not the analog-based system of today.
 - o TSPs currently participating in DOT-funded field operational trials.
 - o Integration not just with PSAPs, but with emergency medical responders and others wanting more real-time data from emergency scene than PSAPs can handle.
- Public Comments on Whether Telematics Should Be Regulated
- o Only one PSAP (Boulder) called for E9-1-1 requirements on all TSPs, including call-center-based TSPs.
 - o Boulder, Washington State, and Nextel suggest that call-center-based TSPs delay emergency response time because some information is relayed orally. False:
 - time is actually saved in overall response by providing precise location of incident
 - Telematics operators (at least at ATX) required to receive APCO-based training; PSAP operators – same training an option.
 - o Intrado argues TSPs should contribute financially to PSAPs and support equipment upgrades.
 - o APCO, the largest public safety organization, cites no need, opposes regulation, strongly supports public/private cooperative solutions. NENA does not support regulation now.
 - o Virtually all others opposed regulation.
- Regulation would jeopardize telematics contribution to public safety
- o Requiring TSPs to pass calls or data directly to PSAPs would inundate already overburdened PSAPs with more unnecessary calls and technology requirements
 - see attached **NY** Times article
 - Hatfield Report
 - o Would short-circuit the voluntary cooperative efforts between industry and public safety aimed at completing the integration of telematics data and E9-1-1.
 -
- Regulation would jeopardize auto industry's deployment of safety
- o Compliance costs would deter nascent market from deploying safety –
 - o Leading coalition of public safety agencies (DC-based ComCARE Alliance) told FCC the number one safety problem in telematics is failure of all auto industry to deploy telematics.

Copyright 2003 The New York Times Company
The New York Times

March 28, 2003, Friday, Late Edition - Final

SECTION: Section A, Page 11, Column 1, National Desk

LENGTH: 925 words

HEADLINE: 911 Calls by Cellphone Swamp California Patrol

BYLINE: BY JONATHAN D. GLATER

DATELINE: LOS ANGELES, March 27

BODY:

It happens when there is an accident on the freeway, when a home is burglarized or a child is missing, Deanna M. Mora says: Hundreds of people dial 911 on cellphones. The result is a tidal wave of calls to operators at the California Highway Patrol.

"We just answer until they stop," said Ms. Mora, a supervisor at the agency's Los Angeles County dispatch center,

Nearly all cellular 911 calls are answered by the highway patrol as a result of a law passed almost two decades ago, when cellphones were primarily in cars. Now the calls are overwhelming the agency's call centers, resulting at times in long waits for callers and delays in getting calls to the appropriate agency, like local police or fire departments.

"Everyone's dispatch centers are being overloaded," said D. O. Helmick, commissioner of the California Highway Patrol. The problem of the number of calls is complicated by the difficulty of determining where each caller is, to determine how to forward the call -- to the police department in Los Angeles or to the fire department in Orange County, for example.

"Clearly we are trying to get the technology there to better identify where the call is being made from," Mr. Helmick said. "Hopefully in time that will be solved."

The explosion of cellphone use in recent years has resulted in a corresponding boom in the number of emergency calls fielded by the Patrol. The agency's dispatch centers received more than 7 million 911 calls last year, half of them to its Los Angeles County center.

Under a pilot program in San Francisco, computers sort cellular calls and if the caller is not near a highway, the call is transferred automatically, Mr. Helmick said. But not all municipalities want such technology adopted because they do not have the resources to handle additional calls. So for most 911 cellular calls, highway Patrol operators must ask callers where they are and

what their cellphone numbers are.

"The most important thing is locating where they're at," said Kim O'Donnell, a trainee operator at the Los Angeles County dispatch center for the highway patrol. She received a call recently from a child who said his mother had been stabbed, and then the line went dead, she said. She forwarded the telephone number of the cellphone that the child used to her supervisor, who could use it to get a home address from a cellphone service Provider. That time the procedure was straightforward because the cellphone number appeared on Ms. O'Donnell's caller identification Screen; often, cell numbers do not appear.

California's situation is not unique, though it is extreme. Other states have different call centers set up and do not have as many cellphone users, As of June 2002, according to the Cellular Telecommunications and Internet Association in Washington, California had 15.8million cellphone subscribers -- nearly half of the state's 34.5 million people. At that time the United States had about 128 million cellphone users nationwide.

In New York City, police operators forward 911 calls to the fire department, hospitals or whatever agency might be relevant.

In most states, a routing System determines the rough location of a caller and directs the call accordingly, said Kathryn Condello, vice president for industry operations at the Cellular Telecommunications and Internet Association in Washington. In some counties, she said, cellular 911 operators can tell what cellular tower is closest to a caller and see that caller's cellphone number; that is known as Phase One capability.

With Phase Two technology, the location of a caller can be determined more precisely, but few parts of the country have such a system, Ms. Condello said. Rhode Island has Phase Two in effect, as do districts around Chicago and Houston.

Upgrading costs money, though, and often the money collected from cellular users by service providers to maintain and upgrade 911 service is used for other purposes, Ms. Condello said. In 2002 California's 911 surcharge fund accrued \$131 million, according to the state's General Services Department. In his current budget Gov. Gray Davis of California has proposed allocating \$41 million from that fund to the highway patrol, \$3.5million to the Department of Forestry and \$3.6 million to the Department of Health Services.

Money alone is not the problem, though, operators said; many people are simply too wick to dial 911, People make calls by accident, some People call seeking directions or simply to complain about heavy traffic, they said. When it rained in Los Angeles this month the dispatch center received about 27,000 calls, Ms. Mora said.

"I've heard People on roller coasters" through cellphones, Ms. Mora said. Nearly a third of calls received are "dead air," the result of someone dialing 911 by accident without realizing, she added. "It's in the purse, it's in

their back pocket," she said

There are of course also real emergency calls, like one from the pilot of a private plane that crashed in Colifornia. The pilot in that case did not know where she was, recalled Thomas A. Prigatano, another supervisor at the Los Angeles County dispatch center. The pilot gave her cellphone number to operators, who used the number to find her cellular service provider, which in turn could identify the cellular tower in Simi Valley that relayed the call.

All the passengers were found with only relatively minor injuries, Mr. Prigatano said. In that instance he said, "We were able to get enough information."

<http://www.nytimes.com>

GRAPHIC: Photo: Beverly Lee, a public safety dispatcher, took a 911 call recently at the Colifornia Highway Patrol's Los Angeles County dispatch center. (Monica Almeida/The New York Times)

LOAD-DATE: March 28, 2003